

**LISTING OF CLAIMS:**

Claims 1 - 37. (Canceled)

Claim 38. (New) A method to treat or prevent allergic disease or non-allergic inflammatory disease in a mammal, comprising administering an extract of hardy kiwifruit to the mammal to treat or prevent at least one symptom of allergic disease or non-allergic inflammatory disease in the mammal.

Claim 39. (New) The method, as claimed in claim 38, wherein the hardy kiwifruit is selected from the group consisting of: *Actinidia arguta*, *Actinidia kolomikta* and *Actinidia polygama*.

Claim 40. (New) The method, as claimed in claim 38, wherein the extract is prepared from a part of the hardy kiwifruit selected from the group consisting of: the fruit, the stem, the root, and any combination thereof.

Claim 41. (New) The method, as claimed in claim 38, wherein the extract is selected from the group consisting of a crude extract and a non-polar solvent soluble extract.

Claim 42. (New) The method, as claimed in claim 41, wherein the crude extract is soluble in a polar solvent selected from the group consisting of: distilled water, lower alcohols, and mixtures thereof.

**DE1501**

Claim 43. (New) The method, as claimed in claim 41, wherein the crude extract wherein said the crude extract is soluble in distilled water or 70% ethanol.

Claim 44. (New) The method, as claimed in claim 41, wherein the non-polar solvent is ethyl acetate.

Claim 45. (New) The method, as claimed in claim 38, wherein the extract is provided in a composition in an amount of between about 0.01% and about 30% by weight based on the total weight of the composition.

Claim 46. (New) The method, as claimed in claim 38, wherein the extract is provided in a composition in an amount of between about 0.01% and about 50% by weight based on the total weight of the composition.

Claim 47. (New) The method, as claimed in claim 38, wherein the extract is provided in a composition in an amount of between about 0.01% and about 80% by weight based on the total weight of the composition.

Claim 48. (New) The method, as claimed in claim 38, wherein the extract is provided in a composition in an amount sufficient to reduce the serum IgE level in the mammal as compared to prior to administration of the extract.

Claim 49. (New) The method, as claimed in claim 38, wherein the extract is provided in a composition in an amount sufficient to reduce the production of Th2 cytokines by cells in the mammal as compared to prior to administration of the extract.

Claim 50. (New) The method, as claimed in claim 49, wherein the Th2 cytokines are selected from the group consisting of: interleukin-4 (IL-4), IL-5 and IL-13.

Claim 51. (New) The method, as claimed in claim 38, wherein the extract is prepared by a process comprising the steps of:

- a) diluting crushed and dried hardy kiwifruit in water or a lower alcohol;
- b) heating the diluted hardy kiwifruit;
- c) extracting the hardy kiwifruit extract after step (b).

Claim 52. (New) The method, as claimed in Claim 51, wherein the step of diluting comprises diluting the crushed and dried hardy kiwifruit in 5X-25X water.

Claim 53. (New) The method, as claimed in Claim 51, wherein the step of diluting comprises diluting the crushed and dried hardy kiwifruit in 5X-25X in a lower alcohol.

**DE1501**

Claim 54. (New) The method, as claimed in claim 53, wherein the lower alcohol is selected from the group consisting of: methanol, ethanol and butanol.

Claim 55. (New) The method, as claimed in claim 51, wherein the step of heating is conducted at between about 20EC and 100EC for between about 1 and about 24 hours.

Claim 56. (New) The method, as claimed in claim 51, wherein the process further comprises a step of filtering the extract.

Claim 57. (New) The method, as claimed in claim 56, further comprising concentrating and drying the filtered extract.

Claim 58. (New) The method, as claimed in claim 57, further comprising extracting the extract in a non-polar solvent.

Claim 59. (New) The method, as claimed in claim 58, further comprising fractionation of the extract.

Claim 60. (New) The method, as claimed in claim 38, wherein the extract is administered to treat or prevent at least one symptom of allergic disease in the mammal.

Claim 61. (New) The method, as claimed in claim 60, wherein the allergic disease is selected from the group consisting of: anaphylaxis, allergic rhinitis, asthma, allergic conjunctivitis, allergic dermatitis, atopic dermatitis, contagious dermatitis, urticaria, insect allergy, food allergy, and drug allergy.

Claim 62. (New) The method, as claimed in claim 38, wherein the step of administering comprises administering the extract with a conventional carrier, adjuvant, or diluent, to the mammal.

Claim 63. (New) The method, as claimed in claim 38, wherein the step of administering comprises providing the extract to the mammal as a tablet, powder, capsule, liquid, suspension, granule or syrup.

Claim 64. (New) The method, as claimed in claim 38, wherein the step of administering comprises providing the extract to the mammal in a health food.

Claim 65. (New) The method, as claimed in claim 38, wherein the step of administering comprises applying a cosmetic composition comprising the extract of hardy kiwifruit to the mammal.

Claim 66. (New) The method, as claimed in claim 65, wherein the cosmetic composition is provided in a form selected from the group consisting of: lotion, cream, essence, toner, emulsion, pack, soup, shampoo, rinse, cleanser, body washing solution, washing solution or treatment.

**DE1501**

Claim 67. (New) The method, as claimed in claim 65, wherein the extract is administered to treat or prevent at least one symptom of skin disease in the mammal.

Claim 68. (New) The method, as claimed in claim 65, wherein the extract is administered to treat or prevent at least one symptom of allergic skin disease in the mammal.

Claim 69. (New) The method, as claimed in claim 38, wherein the step of administering comprises providing the extract to the mammal in a food additive.

Claim 70. (New) The method, as claimed in claim 69, wherein the food additive additionally comprises a compound selected from the group consisting of: lactose casein, dextrin, glucose, sucrose and sorbitol.

Claim 71. (New) The method, as claimed in claim 69, wherein the food additive is provided to the mammal as a spice, seasoning or food material.

Claim 72. (New) The method, as claimed in claim 69, wherein the food additive is added to a food selected from the group consisting of: fruits, vegetables, dehydrated foods, fruit juice, vegetable juice, drinks, confectionaries, breads, ice creams, teas, fermented milk, dairy products, spices, alcoholic beverages, noodles, processed livestock products, processed marine products, fermented food, beans, cereals, processed meats, licorices and hubs.

**DE1501**

Claim 73. (New) A composition for treatment or prevention of allergic disease or non-allergic inflammatory disease in a mammal, comprising an extract of hardy kiwifruit and at least one additional active compound for treating or preventing allergic disease or non-allergic inflammatory disease in a mammal.

Claim 74. (New) The composition, as claimed in claim 73, wherein the additional active compound is for treating or preventing allergic disease in a mammal.

Claim 75. (New) The composition, as claimed in claim 73, wherein the additional active compound is a vitamin or vitamin complex.

Claim 76. (New) The composition, as claimed in claim 73, wherein the additional active compound is a natural antioxidant.

Claim 77. (New) The composition, as claimed in claim 73, wherein the additional active compound is a pharmaceutically active compound for treating or preventing allergic disease or non-allergic inflammatory disease in a mammal.

Claim 78. (New) The composition, as claimed in claim 73, wherein the extract is provided in the composition in an amount of between about 0.01% and about 30% by weight based on the total weight of the composition.

**DE1501**

Claim 79. (New) The composition, as claimed in claim 73, wherein the extract is provided in the composition in an amount of between about 0.01% and about 50% by weight based on the total weight of the composition.

Claim 80. (New) The composition, as claimed in claim 73, wherein the extract is provided in the composition in an amount of between about 0.01% and about 80% by weight based on the total weight of the composition.

Claim 81. (New) The composition, as claimed in claim 73, wherein the composition further comprises a conventional carrier, adjuvant or diluent.

Claim 82. (New) The composition, as claimed in claim 73, wherein the composition is provided in a form selected from the group consisting of: a tablet, powder, capsule, liquid, suspension, granule or syrup.

Claim 83. (New) The composition, as claimed in claim 73, wherein the composition is a pharmaceutical composition.

Claim 84. (New) The composition, as claimed in claim 73, wherein the composition is a health food.

Claim 85. (New) The composition, as claimed in claim 73, wherein the composition is a food additive.

Claim 86. (New) The composition, as claimed in claim 73, wherein the composition is a cosmetic.

Claim 87. (New) The composition, as claimed in claim 73, wherein the hardy kiwifruit is selected from the group consisting of: *Actinidia arguta*, *Actinidia kolomikta* and *Actinidia polygama*.

Claim 88. (New) The composition, as claimed in claim 73, wherein the extract is prepared from a part of the hardy kiwifruit selected from the group consisting of: the fruit, the stem, the root, and any combination thereof.

Claim 89. (New) The composition, as claimed in claim 73, wherein the extract is selected from the group consisting of a crude extract and a non-polar solvent soluble extract.

Claim 90. (New) The composition, as claimed in claim 89, wherein the crude extract is soluble in a polar solvent selected from the group consisting of: distilled water, lower alcohols, and mixtures thereof.

Claim 91. (New) The composition, as claimed in claim 89, wherein the crude extract wherein said the crude extract is soluble in distilled water or 70% ethanol.

Claim 92. (New) The composition, as claimed in claim 89, wherein the non-polar solvent is ethyl acetate.

**DE1501**

Claim 93. (New) The composition, as claimed in claim 73, wherein the extract is prepared by a process comprising the steps of:

- a) diluting crushed and dried hardy kiwifruit in water or a lower alcohol;
- b) heating the diluted hardy kiwifruit;
- c) extracting the hardy kiwifruit extract after step (b).

Claim 94. (New) The composition, as claimed in claim 93, wherein the step of diluting comprises diluting the crushed and dried hardy kiwifruit in 5X-25X water.

Claim 95. (New) The composition, as claimed in claim 93, wherein the step of diluting comprises diluting the crushed and dried hardy kiwifruit in 5X-25X in a lower alcohol.

Claim 96. (New) The composition, as claimed in claim 95, wherein the lower alcohol is selected from the group consisting of: methanol, ethanol and butanol.

Claim 97. (New) The composition, as claimed in claim 93, wherein the step of heating is conducted at between about 20 °C and 100 °C for between about 1 and about 24 hours.

Claim 98. (New) The composition, as claimed in claim 93, wherein the process further comprises a step of filtering the extract.

Claim 99. (New) The composition, as claimed in claim 98, further comprising concentrating and drying the filtered extract.

Claim 100. (New) The composition, as claimed in claim 99, further comprising extracting the extract in a non-polar solvent.

Claim 101. (New) The composition, as claimed in claim 100, further comprising fractionation of the extract.

Claim 102. (New) A method for preparing a composition for treatment or prevention of allergic disease or non-allergic inflammatory disease in a mammal, comprising formulating an extract of hardy kiwifruit in a composition that for treating or preventing allergic disease or non-allergic inflammatory disease in a mammal.

Claim 103. (New) A method to treat or prevent allergic disease or non-allergic inflammatory disease in a mammal, comprising administering hardy kiwifruit to the mammal to treat or prevent at least one symptom of allergic disease or non-allergic inflammatory disease in the mammal.

Claim 104. (New) The method, as claimed in claim 103, wherein the hardy kiwifruit is selected from the group consisting of: *Actinidia arguta*, *Actinidia kolomikta* and *Actinidia polygama*.

Claim 105. (New) The method, as claimed in claim 103, wherein the hardy kiwifruit is provided in an amount sufficient to reduce the serum IgE level in the mammal as compared to prior to administration of the hardy kiwifruit.

Claim 106. (New) The method, as claimed in claim 103, wherein the hardy kiwifruit is provided in an amount sufficient to reduce the production of Th2 cytokines by cells in the mammal as compared to prior to administration of the hardy kiwifruit.

Claim 107. (New) The method, as claimed in claim 106, wherein the Th2 cytokines are selected from the group consisting of: interleukin-4 (IL-4), IL-5 and IL-13.

Claim 108. (New) The method, as claimed in claim 107, wherein the hardy kiwifruit is administered to treat or prevent at least one symptom of allergic disease in the mammal.

Claim 109. (New) The method, as claimed in claim 108, wherein the allergic disease is selected from the group consisting of: anaphylaxis, allergic rhinitis, asthma, allergic conjunctivitis, allergic dermatitis, atopic dermatitis, contagious dermatitis, urticaria, insect allergy, food allergy, and drug allergy.